

DEMOCRATIC REPUBLIC OF THE CONGO (Tier 2 Watch List)

The Democratic Republic of the Congo (DRC) is a source and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Much of this trafficking occurs within the country's unstable eastern provinces and is perpetrated by armed groups outside government control. Indigenous and foreign armed militia groups, notably, the Democratic Forces for the Liberation of Rwanda (FDLR), the National Congress for the Defense of the People (CNDP) and various local militia (Mai-Mai), continue to abduct and forcibly recruit Congolese men, women, and children, as well as smaller numbers of Rwandan and Ugandan children, to serve as laborers (including in mines), porters, domestics, combatants, and sex slaves. CNDP troops, dressed in civilian clothes and fraudulently promising civilian employment, conscripted an unknown number of Congolese men and boys from Rwanda-based refugee camps, as well as dozens of Rwandan children from towns in western Rwanda, for forced labor and soldiering in the DRC. The failed "mixed" brigade experiment, which attempted to combine full CNDP battalions into single brigades with other battalions answering to FARDC command and control, ended in September 2007. This process abruptly brought into the FARDC ranks an estimated 200 children, including girls, who were not demobilized during the reporting period. In December 2007, the terrorist rebel organization, Lord's Resistance Army (LRA), intensified its operations in the DRC's Dunga Territory, abducting civilians. An estimated 300 women and children remained with the LRA in DRC's Garamba National Park. More than 1,000 Congolese women remained in Uganda after being forcibly transported there as sex slaves or domestics by departing Ugandan troops in 2004.

An unknown number of unlicensed Congolese miners remain in debt bondage to supplies dealers for tools, food, and other provisions. Some reports suggest that Congolese children were prostituted in brothels or in camps by loosely organized networks. Congolese women and children were reportedly also trafficked by road to South Africa for sexual exploitation. Congolese girls were also believed to be trafficked to the Republic of the Congo for commercial sexual exploitation. A small number of Congolese children are also reportedly trafficked to Uganda via Rwanda for agricultural labor and sexual exploitation. Reports suggest some members of Batwa, or pygmy groups, were subjected to conditions of involuntary servitude.

The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Nevertheless, DRC is placed on Tier 2 Watch List for its failure to provide evidence of increasing efforts to combat trafficking in persons over the last year. Some significant initial advances were noted, particularly regarding the arrest of at least three suspected traffickers. However, a number of other arrest warrants were not carried out, and no convictions of traffickers were obtained. Under the national Disarmament, Demobilization, and Reintegration (DDR) plan, the government demobilized 3,563 child soldiers found largely in the ranks of rebel militias; at the same time, however, it did not take efforts to identify or protect victims of trafficking among

200 child soldiers in its own army, the FARDC. The government lacks sufficient financial, technical, and human resources to effectively address not only trafficking crimes, but also to provide basic levels of security in some parts of the country. The military lacked the capacity to forcibly demobilize armed groups. The country's criminal and military justice systems, including the police, courts, and prisons, were practically nonexistent from years of war; there are few functioning courts or secure prisons in the country.

Recommendations for the Democratic Republic of the Congo: Work with international partners to ensure that all children in government custody, some of whom may be trafficking victims, receive appropriate protective services; step up efforts to arrest and prosecute traffickers, particularly those who unlawfully conscript child soldiers or utilize forced labor; and develop legislative proposals to more comprehensively address human trafficking.

Prosecution

The government's efforts in prosecuting trafficking crimes were limited during the reporting period. Existing laws do not prohibit all forms of labor trafficking; however, the July 2006 sexual violence statute, Law 6/018, specifically prohibits and prescribes penalties of 10 to 20 years' imprisonment for sex trafficking, child and forced prostitution, and pimping. In addition, the constitution forbids involuntary servitude and child soldiering.

During the reporting period, the government made modest efforts to address trafficking crimes committed by armed groups. In February 2008, it arrested Mathieu Ngudjolo Chui, the commander of the MRC militia, and transferred him to the International Criminal Court (ICC) for prosecution on charges including conscription of children, sexual enslavement, and murder, allegedly committed while serving as a senior commander of the FNI rebel group. In September 2007, the government initiated prosecution of former Mai-Mai commander Kynugu Mutanga, known as Gédéon, on charges including illegal child recruitment. That same month, it detained Bedi Mubuli Engangela Mabolongo, another former Mai-Mai commander known as Colonel 106, suspected of insurrection and war crimes, including the illegal recruitment of children; he was transferred to a prison in Kinshasa, but has yet to be formally charged. In October 2007, the government transferred to the ICC Germain Katanga, a former leader of the FRPI militia, for prosecution on charges of war crimes, including unlawful recruitment of child soldiers and sexual slavery.

These efforts notwithstanding, the government's capacity to apprehend, convict, or imprison traffickers remained weak. In March 2007, Commander Jean-Pierre Biyoyo, formerly of the Mudundu-40 armed group and the only person ever convicted by Congolese courts of conscripting children (and who escaped prison in June 2006), resurfaced in Bukavu in a delegation of mixed brigade officers; he has not been re-apprehended. In January 2007, the FARDC Chief of Staff issued a warrant for the arrest of "Captain Gaston," an armed group commander allegedly responsible for the mid-2006 murder of an NGO child protection advocate; he remained at large during the reporting

period. In May 2007, military authorities issued an arrest warrant for FARDC soldiers of the 6th Integrated Brigade in Bunia alleged to have abducted four girls to use as “wives,” but these soldiers too remained at large.

Protection

NGOs provided legal, medical, and psychological services to trafficking victims and potential trafficking victims, including child soldiers and children in prostitution. Under the National DDR Plan, all ex-combatants pass through a common process during which they disarm and receive information about military and civilian reintegration options. During this process, the Ministry of Defense’s disarmament, demobilization, and reintegration implementation unit, UEPN-DDR, identifies, separates out, and transports any children identified to NGO-run centers for temporary housing and vocational training; 3,653 child soldiers were demobilized from armed groups through this process in 2007, mainly in Ituri District of Orientale Province. The FARDC’s lack of command and control over CNDP battalions integrated into its short-lived mixed brigades in North Kivu hindered efforts by NGOs to separate child soldiers from these battalions. For example, in March 2007, Colonel Sultani Makenga, commander of a mixed brigade and a CNDP officer, attempted to forcibly prevent child protection workers from removing eight children from the military camp at Kitchanga by pulling six of them from an NGO vehicle and violently threatening three child protection staff. Anecdotal evidence suggests some commanders of North Kivu armed groups who were part of the mixed brigades recognized the effectiveness of FARDC integration processes in identifying, separating out, and protecting child soldiers in their ranks and hid large numbers of children to prevent them from traveling to integration sites.

The government had little capacity to encourage victims to participate in investigations or prosecutions of trafficking offenders. Some FARDC elements essentially outside government control continued during the reporting period to harass, arrest, and physically mistreat children formerly associated with armed groups, including potential trafficking victims, and local authorities occasionally charged demobilized child soldiers with being members of illegal armed groups. Minors detained for child soldiering were generally released quickly if discovered by MONUC or NGOs. However, 31 Congolese, Rwandan and Burundian child soldiers were detained, interrogated, and mistreated for several months to obtain information on their former armed groups, and then transferred to a prison in Kinshasa for further questioning. The government released these children to UNICEF in March 2008.

Prevention

During the reporting period, a working group comprised of the Ministries of Interior and Justice, the national police, the European Police Mission, international donors, and civil society organizations drafted, and continued to review, text for legislation addressing respect for and protection of human rights by police, as well as the prosecution of military deserters. As part of the disarmament, demobilization, and reintegration (DDR) campaign in Ituri and the Kivus, SMI, UEPN-DDR, FARDC, and MONUC staff took information about DDR directly to active combatants in the bush, explaining the demobilization process, benefits, available choices, and the services provided to child

soldiers, some of whom are potential trafficking victims. In February 2008, UEPN-DDR launched a campaign on zero tolerance for child soldiers in the DRC; an interview on this subject with the head of UEPNDDR was widely carried by local radio stations. At least 20 additional radio programs were broadcast during the year on the issue of child soldiers. The government did not conduct other public awareness campaigns related to trafficking during the reporting period. During the reporting period, the government's Military Integration Structure (SMI) and the UN Mission to the DRC (MONUC) conducted joint training on child protection, respect of human rights, and gender-based violence as part of the retraining of FARDC soldiers and officers at brassage centers.